Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2239 OF 2007

Annasaheb Narsu Quane ...Petitioner
V/s.
Ananda Shripati Bouchkar & Anr. ...Respondents

Mr.Gajanan M. Savagave, Advocate, for the Petitioner.

Mr.A.S. Shitole, APP, for the Respondent-State.

CORAM : A.P. DESHPANDE, J.

DATED : 12TH DECEMBER, 2007.

P.C.:

1. The present petitioner is the original accused No.2 against whom a charge has been framed under Section 420 of the I.P.C. read with Section 34 alongwith accused No.1. Being aggrieved by the order of framing charge, the petitioner filed the Revision before the Sessions Court and after rejection of the Revision, the present Writ Petition has been filed.

2. After considering the complaint and the evidence of witnesses adduced before charge, at Exhibit 63 and 77, the revisional court has come to a conclusion that there is a prima-facie evidence and material on record to make out the case of cheating against the present applicant.

3. In short, the case of the complainant is that he is an educated unemployed. The present petitioner is the Chairman of an educational institution. The petitioner has advertised the post of Peon. As the complainant was in the need of a job, he approached the present petitioner along with accused No.1 and after payment of a sum of Rs.65,000/-, he was issued an appointment order by the present petitioner. It was an understanding arrived at between the complainant and the present petitioner that for initial six months, the complainant shall not be paid any salary, however, thereafter he will be paid salary.

4. It is the case of the complainant that after expiry of six months when he demanded his salary, the same was not paid and he realised that he has been cheated. He thereafter approached the accused No.1 from time to time and a settlement was reached whereunder the accused No.1 issued a cheque in the sum of Rs.36,000/- whereas the present petitioner agreed to pay the balance sum of Rs.29,000/-.

5. The said case has been substantiated by the evidence of the witnesses examined before charge and hence the revisional court declined to interfere with

the order passed by the Trial Court. Perused the impugned order. The same does not call for any interference. Hence, the Writ Petition is summarily dismissed.

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